



General Assembly

Amendment

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LCO No. 7925

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Offered by:
SEN. FONFARA, 1st Dist.

To: Senate Bill No. 775

File No. 81

Cal. No. 129

**"AN ACT CONCERNING THE PUBLICATION OF THE
CONNECTICUT SITING COUNCIL REPORT OF LOADS AND
RESOURCES BIENNIALY."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 16a-3a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The electric distribution companies, in consultation with the
6 Connecticut Energy Advisory Board, established pursuant to section
7 16a-3, shall review the state's energy and capacity resource assessment
8 and develop a comprehensive plan for the procurement of energy
9 resources, including, but not limited to, conventional and renewable
10 generating facilities, energy efficiency, load management, demand
11 response, combined heat and power facilities, distributed generation
12 and other emerging energy technologies to meet the projected
13 requirements of their customers in a manner that minimizes the cost of
14 such resources to customers over time and maximizes consumer

15 benefits consistent with the state's environmental goals and standards.

16 (b) On or before January 1, 2008, and [annually] biennially
17 thereafter, the companies shall submit to the Connecticut Energy
18 Advisory Board an assessment of (1) the energy and capacity
19 requirements of customers for the next three, five and ten years, (2) the
20 manner of how best to eliminate growth in electric demand, (3) how
21 best to level electric demand in the state by reducing peak demand and
22 shifting demand to off-peak periods, (4) the impact of current and
23 projected environmental standards, including, but not limited to, those
24 related to greenhouse gas emissions and the federal Clean Air Act
25 goals and how different resources could help achieve those standards
26 and goals, (5) energy security and economic risks associated with
27 potential energy resources, and (6) the estimated lifetime cost and
28 availability of potential energy resources.

29 (c) Resource needs shall first be met through all available energy
30 efficiency and demand reduction resources that are cost-effective,
31 reliable and feasible. The projected customer cost impact of any
32 demand-side resources considered pursuant to this subsection shall be
33 reviewed on an equitable bases with nondemand-side resources. The
34 procurement plan shall specify (1) the total amount of energy and
35 capacity resources needed to meet the requirements of all customers,
36 (2) the extent to which demand-side measures, including efficiency,
37 conservation, demand response and load management can cost-
38 effectively meet these needs, (3) needs for generating capacity and
39 transmission and distribution improvements, (4) how the development
40 of such resources will reduce and stabilize the costs of electricity to
41 consumers, and (5) the manner in which each of the proposed
42 resources should be procured, including the optimal contract periods
43 for various resources.

44 (d) The procurement plan shall consider: (1) Approaches to
45 maximizing the impact of demand-side measures; (2) the extent to
46 which generation needs can be met by renewable and combined heat
47 and power facilities; (3) the optimization of the use of generation sites

48 and generation portfolio existing within the state; (4) fuel types,
49 diversity, availability, firmness of supply and security and
50 environmental impacts thereof, including impacts on meeting the
51 state's greenhouse gas emission goals; (5) reliability, peak load and
52 energy forecasts, system contingencies and existing resource
53 availabilities; (6) import limitations and the appropriate reliance on
54 such imports; and (7) the impact of the procurement plan on the costs
55 of electric customers.

56 (e) The board, in consultation with the regional independent system
57 operator, shall review and approve or review, modify and approve the
58 proposed procurement plan as submitted not later than one hundred
59 twenty days after receipt. For calendar years 2009 and thereafter, the
60 board shall conduct such review not later than sixty days after receipt.
61 For the purpose of reviewing the plan, the Commissioners of
62 Transportation and Agriculture and the chairperson of the Public
63 Utilities Control Authority, or their respective designees, shall not
64 participate as members of the board. The electric distribution
65 companies shall provide any additional information requested by the
66 board that is relevant to the consideration of the procurement plan. In
67 the course of conducting such review, the board shall conduct a public
68 hearing, may retain the services of a third-party entity with experience
69 in the area of energy procurement and may consult with the regional
70 independent system operator. The board shall submit the reviewed
71 procurement plan, together with a statement of any unresolved issues,
72 to the Department of Public Utility Control. The department shall
73 consider the procurement plan in an uncontested proceeding and shall
74 conduct a hearing and provide an opportunity for interested parties to
75 submit comments regarding the procurement plan. Not later than one
76 hundred twenty days after submission of the procurement plan, the
77 department shall approve, or modify and approve, the procurement
78 plan. [For calendar years 2009 and thereafter, the department shall
79 approve, or modify and approve, said procurement plan not later than
80 sixty days after submission.]

81 (f) On or before September 30, 2009, and every two years thereafter,

82 the Department of Public Utility Control shall report to the joint
83 standing committees of the General Assembly having cognizance of
84 matters relating to energy and the environment regarding goals
85 established and progress toward implementation of the procurement
86 plan established pursuant to this section, as well as any
87 recommendations for the process.

88 (g) All electric distribution companies' costs associated with the
89 development of the resource assessment and the development of the
90 procurement plan shall be recoverable through the systems benefits
91 charge.

92 Sec. 502. (NEW) (*Effective July 1, 2009*) The date and time of filing of
93 each document with the Department of Public Utility Control shall be
94 the date and time by which the department first receives a complete
95 electronic or paper version of such document provided such electronic
96 or paper version is filed in accordance with section 16-1-14 of the
97 regulations of Connecticut state agencies. If payment of a fee is
98 required to accompany such document, the department shall not deem
99 a document to be filed until the department receives the fee. If a
100 document is electronically submitted outside of the department's
101 normal business hours, the department shall deem the document to be
102 filed at the time the department's offices next open. The department
103 shall require two copies of each paper version of electronic filings to be
104 mailed to the department by first-class mail. Any party or intervenor
105 in a department docket who does not have computer access may
106 request from the department a paper version of any filing from any
107 other party or intervenor associated with such docket.

108 Sec. 503. Subsection (b) of section 1 of public act 09-31 is repealed
109 and the following is substituted in lieu thereof (*Effective July 1, 2009*):

110 (b) If a person or entity, other than a customer of record or the
111 customer's authorized representative, seeks to terminate electric, gas,
112 telecommunications or water service to a residential dwelling, the
113 company, supplier or utility shall not terminate service unless, nine or

114 more days prior to the requested termination date, the company,
115 utility or supplier sends a notification letter by certified mail to the
116 customer of record at the customer's last-known address.

117 Sec. 504. Section 16-262e of the general statutes, as amended by
118 section 2 of public act 09-31, is repealed and the following is
119 substituted in lieu thereof (*Effective July 1, 2009*):

120 (a) Notwithstanding the provisions of section 16-262d, wherever an
121 owner, agent, lessor or manager of a residential dwelling is billed
122 directly by an electric, electric distribution, gas, telephone or water
123 company or by a municipal utility for utility service furnished to such
124 building not occupied exclusively by such owner, agent, lessor, or
125 manager, and such company or municipal utility or the electric
126 supplier providing electric generation services has actual or
127 constructive knowledge that the occupants of such dwelling are not
128 the individuals to whom the company or municipal utility usually
129 sends its bills, such company, electric supplier or municipal utility
130 shall not terminate such service for nonpayment of a delinquent
131 account owed to such company, electric supplier or municipal utility
132 by such owner, agent, lessor or manager unless: (1) Such company,
133 electric supplier or municipal utility makes a good faith effort to notify
134 the occupants of such building of the proposed termination by the
135 means most practicable under the circumstances and best designed to
136 provide actual notice; and (2) such company, electric supplier or
137 municipal utility provides an opportunity, where practicable, for such
138 occupants to receive service in their own names without any liability
139 for the amount due while service was billed directly to the lessor,
140 owner, agent or manager and without the necessity for a security
141 deposit; provided, if it is not practicable for such occupants to receive
142 service in their own names, the company, electric supplier or
143 municipal utility shall not terminate service to such residential
144 dwelling but may pursue the remedy provided in section 16-262f.

145 (b) Whenever a company, electric supplier or municipal utility has
146 terminated service to a residential dwelling whose occupants are not

147 the individuals to whom it usually sends its bills, such company,
148 electric supplier or municipal utility shall, upon obtaining knowledge
149 of such occupancy, immediately reinstate service and thereafter not
150 effect termination unless it first complies with the provisions of
151 subsection (a) of this section.

152 (c) The owner, agent, lessor or manager of a residential dwelling
153 shall be liable for the costs of all electricity, gas, water or heating fuel
154 furnished by a public service company, electric supplier, municipal
155 utility or heating fuel dealer to the building, except for any service
156 furnished to any dwelling unit of the building on an individually
157 metered or billed basis for the exclusive use of the occupants of that
158 dwelling unit, provided an owner, agent, lessor or manager shall be
159 liable for service provided on an individually metered or billed basis
160 pursuant to subsection (g) of this section from ten days after the date of
161 written request sent by certified mail by the company, supplier, utility
162 or dealer if the company, supplier, utility or dealer is denied access to
163 its individual meters or other facilities located on the premises of the
164 building. Such owner, agent, lessor or manager shall only be liable
165 when such owner, agent, lessor or manager controls access to such
166 individual meters to which access is denied. If service is not provided
167 on an individually metered or billed basis and the owner, agent, lessor
168 or manager fails to pay for such service, any occupant who receives
169 service in his own name may deduct, in accordance with the
170 provisions of subsection (d) of this section, a reasonable estimate of the
171 cost of any portion of such service which is for the use of occupants of
172 dwelling units other than such occupant's dwelling unit.

173 (d) Any payments made by the occupants of any residential
174 dwelling pursuant to subsection (a) or (c) of this section shall be
175 deemed to be in lieu of an equal amount of rent or payment for use
176 and occupancy and each occupant shall be permitted to deduct such
177 amounts from any sum of rent or payment for use and occupancy due
178 and owing or to become due and owing to the owner, agent, lessor or
179 manager.

180 (e) Wherever a company, electric supplier or municipal utility
181 provides service pursuant to subdivision (2) of subsection (a) of this
182 section, the company, electric supplier or municipal utility shall notify
183 each occupant of such building in writing that service will be provided
184 in the occupant's own name. Such writing shall contain a conspicuous
185 notice in boldface type stating,

186 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
187 AMOUNT YOU PAY (name of company or municipal utility) FOR
188 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
189 OR HIS AGENT."

190 (f) The owner, agent, lessor or manager shall not increase the
191 amount paid by such occupant for rent or for use and occupancy in
192 order to collect all or part of that amount lawfully deducted by the
193 occupant pursuant to this section.

194 (g) The owner, agent, lessor or manager of a residential dwelling
195 shall be responsible for providing a public service company, electric
196 supplier or municipal utility or heating fuel dealer access to its meter
197 or other facilities located on the premises of the residential dwelling
198 promptly upon written request sent by certified mail of the public
199 service company, electric supplier or municipal utility or heating fuel
200 dealer during reasonable hours. If such owner, agent, lessor or
201 manager fails to provide such access upon such reasonable written
202 request, the owner, agent, lessor or manager shall be liable for the costs
203 incurred by the public service company, electric supplier or municipal
204 utility or heating fuel dealer in gaining access to the meter and
205 facilities, including costs of collection and attorneys' fees. If the failure
206 to provide access delays the ability of the public service company,
207 electric supplier or municipal utility or heating fuel dealer to terminate
208 service to an individually metered or billed portion of the dwelling, the
209 owner, agent, lessor or manager failing to provide access shall also be
210 liable for the amounts billed by the public service company, electric
211 supplier or municipal utility or heating fuel dealer for service provided
212 to the individually metered or billed portion of the dwelling for the

213 period beginning ten days after access has been requested pursuant to
214 this subsection and ending when access is provided by such owner,
215 agent, lessor or manager.

216 (h) Nothing in this section shall be construed to prevent the
217 company, electric supplier, municipal utility, heating fuel dealer or
218 occupant from pursuing any other action or remedy at law or equity
219 that it may have against the owner, agent, lessor, or manager."